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Attorney for Plaintiff
RON DAVIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON DAVIS, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

VISA, INC., a Delaware Corporation,

Defendant.

Case No. 13-cv-5125-KAW

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO SET BRIEFING SCHEDULE
FOR MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED COMPLAINT UNDER
L.R. 6-2**

FAC Filed: December 16, 2013
Trial Date: None Set

WHEREAS, Plaintiff Ron Davis ("Plaintiff") filed his Complaint in the above-
entitled action on November 4, 2013;

WHEREAS, Plaintiff served the summons and Complaint on Defendant Visa, Inc.
("Defendant") on November 7, 2013;

WHEREAS, Defendant and Plaintiff filed a Joint Stipulation on November 22,
2013 to extend the time for Defendant to respond to the initial Complaint to January 8, 2014.
(Dkt. No. 07.) The Joint Stipulation also noted that Plaintiff intended to file an amended

1 complaint on or about December 9, 2013;

2 WHEREAS, Plaintiff filed and served his First Amended Complaint (“FAC”) in
3 the above-entitled action on December 16, 2013;

4 WHEREAS, according to the Federal Rules of Civil Procedure 15(a)(3),
5 Defendant has until January 8, 2014 to respond to Plaintiff’s FAC;

6 WHEREAS, under this agreement and pursuant to L.R. 6-2, Defendant and
7 Plaintiff (the “Parties”) have met and conferred regarding a briefing schedule, and due to
8 scheduling difficulties, such as demands in other matters, the holidays, and scheduled vacation
9 plans, the Parties have agreed to the following briefing schedule in order to accommodate such
10 scheduling conflicts:

- 11 • Defendant’s new deadline to file a motion to dismiss, or otherwise respond,
12 to Plaintiff’s FAC shall be January 15, 2014;
- 13 • Plaintiff’s deadline to file an Opposition shall be February 14, 2014;
- 14 • Defendant’s deadline to file a Reply shall be February 28, 2014;

15 WHEREAS, there have been no other extensions, either through Joint Stipulations
16 or Court Orders regarding a response to Plaintiff’s FAC;

17 WHEREAS, this change will not alter the date of any event or any deadline
18 already fixed by Court order, including the meet and confer and filings regarding ADR on
19 January 14, 2014; the filing of the Rule 26(f) Report on January 28, 2014; or the Initial Case
20 Management Conference on February 4, 2014 at 1:30 P.M.;

1 NOW, THEREFORE, pursuant to Rule 6-2 of the Local Civil Rules of the United
2 States District Court for the Northern District of California, it is hereby stipulated by and among
3 Plaintiff and Defendant and through their counsel of record that Defendant shall file its motion to
4 dismiss, or otherwise respond, to Plaintiff's FAC on January 15, 2014, Plaintiff shall file his
5 Opposition on February 14, 2014, and Defendant shall file its Reply on February 28, 2014.

6
7
8 IT IS SO STIPULATED.

9
10 Dated: December 31, 2013

RICHARD B. GOETZ
MATTHEW D. POWERS
JACLYN BLANKENSHIP
O'MELVENY & MYERS LLP

13 By: /s/ Jaclyn Blankenship
14 Jaclyn Blankenship

15 Attorneys for Defendant
VISA, INC.

16 Dated: December 31, 2013

CHARLES D. MARSHALL
MARSHALL LAW FIRM

18 By: /s/ Charles D. Marshall
Charles D. Marshall

19 Attorney for Plaintiff
20 RON DAVIS

ATTESTATION OF FILING

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Jaclyn Blankenship, hereby attest that concurrence in the filing of this Joint Stipulation and [Proposed] Order to Set Briefing Schedule for Motion to Dismiss Plaintiff's First Amended Complaint Under L.R. 6-2 has been obtained from Charles D. Marshall with conformed signatures above.

Dated: December 31, 2013

By: /s/ Jaclyn Blankenship

Jaclyn Blankenship
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407


~~PROPOSED~~ ORDER

The Court having considered the Joint Stipulation and [Proposed] Order to Set Briefing Schedule for Motion to Dismiss Plaintiff's First Amended Complaint under L.R. 6-2 submitted by the parties, and good cause appearing:

1. The Stipulation is approved;
2. Defendant shall have until January 15, 2014, to file its Motion to Dismiss Plaintiff's First Amended Complaint;
3. Plaintiff shall have until February 14, 2014, to file any Opposition; and
4. Defendant shall have until February 28, 2014, to file any Reply.

IT IS SO ORDERED.

DATED: 1/6/14



Hon. Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 31, 2013

RICHARD B. GOETZ
MATTHEW D. POWERS
JACLYN BLANKENSHIP
O'MELVENY & MYERS LLP

By: /s/ Jaclyn Blankenship

Jaclyn Blankenship
Attorneys for Defendant
VISA, INC.